

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

DISABILITY RIGHTS NEW MEXICO, Inc,

Plaintiff,

v.

No. 1:22-CV-00954-WJ-JFR

TAFOYA LUCERO, et al.,

Defendants.

PLAINTIFF'S OBJECTION TO REVISED SETTLEMENT AGREEMENT

Pursuant to the Court's January 5, 2024 Order providing parties 15 days to file objections to the Court's proposed revisions to the settlement agreement, Plaintiff files this objection insofar as it relates to its ability to petition the Court for attorney's fees and costs following approval of the settlement. The grounds for this objection are as follows:

- 1) The parties filed a Joint Motion for Approval of Stipulated Order and Settlement Agreement on December 28, 2023. [Doc. 54, 54-1]
- 2) On January 5, 2024 the Court filed a Notice of Court's Proposed Revisions and Settlement Agreement, stating that the provision of the settlement agreement agreed to by the parties that mandates continuing jurisdiction by this Court until December 31, 2025 was unacceptable. [Doc. 55, 55-1]
- 3) The Court revised the settlement agreement to omit continuing jurisdiction but granting parties leave until December 31, 2025 to file a motion to reopen the matter to enforce the terms of the settlement agreement. [Doc. 55-1, ¶ 12] Plaintiff does not object to this revision.
- 4) The Court's Order states that if no objections are filed within 15 days, the Court will file the Order and Settlement agreement with the revisions added by the Court. [Doc. 55].

- 5) The revised settlement agreement as it currently stands states that the Court shall enter an order dismissing the case. [Doc. 55-1, ¶ 12] However, Plaintiff requests time to file its Petition for fees and costs as the parties have been unable to resolve this issue via negotiation.
- 6) Accordingly, Plaintiff objects to the revised settlement agreement to the extent that it does not contemplate the Court retaining jurisdiction for the purposes of resolving Plaintiff's petition for attorney's fees and suggests a revision to Paragraph 12 of the revised settlement agreement as follows: "Plaintiff shall have 30 days from the Court's filing of this Settlement Agreement to file a petition with this Court for attorney's fees and litigation expenses. The Court shall retain jurisdiction of the case until the fee petition is addressed and shall enter an order dismissing this matter once that is resolved. Further, the Court grants the parties leave until the termination of this agreement on December 31, 2025 to file a motion to reopen the matter to enforce the terms of the settlement agreement as provided in paragraph 8 of this settlement agreement."

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was served upon all counsel of record via the CM/ECF system on this 18th day of January 2024.

/s/ Katherine Loewe
Katherine Loewe